

**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>IN RE:</b>	§	
	§	<b>CHAPTER 7</b>
<b>ORLY GENDER,</b>	§	
	§	<b>CASE NO. 19-10926-TMD</b>
<b>Debtor.</b>	§	

**SAGI GENDER’S CONSOLIDATED RESPONSE/OBJECTION TO (A) DEBTOR’S  
MOTION FOR CONTINUANCE, TO CONSOLIDATE HEARINGS AND FOR ENTRY  
OF AN ORDER RELATED TO DISCOVERY [DOCKET NO. 106]; (B) MOTION FOR  
EXPEDITED HEARING ON DEBTOR’S MOTION FOR CONTINUANCE AND FOR  
ENTRY OF AN ORDER RELATED TO DISCOVERY [DOCKET NO. 107];  
AND (C) MOTION FOR CONTINUANCE OF SAGI GENDER’S  
EXPEDITED MOTION TO SHOW CAUSE [DOCKET NO. 117]**

Judgment Creditor Sagi Genger (“Sagi”), by and through his counsel, files this Consolidated Response/Objection (the “Response/Objection”) to (A) Debtor’s Motion for Continuance, to Consolidate Hearings and for Entry of an Order Related to Discovery [Docket Nos. 106]; (B) Motion for Expedited Hearing on Debtor’s Motion for Continuance and for Entry of an Order Related to Discovery [Docket No. 107]; and (C) Motion for Continuance of Sagi Genger’s Expedited Motion to Show Cause [Docket No. 117] (the “Motions”).

In support of this Response/Objection, Sagi respectfully represents:

**I. ARGUMENT**

1. Debtor’s counsel failed to consult with Sagi or any non-aligned parties prior to filing the Motions. The Certificate of Conference on the Motion for Expedited Hearing on Debtor’s Motion for Continuance and for Entry of an Order Related to Discovery (“Motion to Expedite”) appears to state that counsel for Sagi was consulted and opposes the Motion to Expedite. No conference was ever even initiated, which is in violation of the local rules. In any event, Sagi opposes both motions.

2. Kasowitz continues to make appearances in multiple New York state and federal courts, purportedly on the Chapter 7 Trustee's behalf but without approval of this Court, causing significant harm to the estate. Expediency is still required.

3. The motions to be heard on October 23, 2019 have already been adjourned once. They are fully briefed. Further, the case has come to a standstill with the Trustee, Debtor, her husband (Eric Herschmann), her husband's law firm (Kasowitz Benson Torres LLP), and her father (Arie Genger) forming a wall of resistance to any and all discovery, collectively refusing to produce a single document, or sit for a single minute of testimony, all the while trying to rush through a 9019 "settlement" that denudes the estate of all assets and releases them from (indeed, rewards them for egregious acts of fraud).

4. If the Court does wish to reorder the motions, Sagi respectfully suggests that it would be reasonable and efficient for the Motion to Dismiss the Bankruptcy Case or, Alternatively, to Transfer Venue, and Memorandum of Law in Support [Doc. 32] (the "Motion to Dismiss") to be considered first. In fact, Sagi approached the Debtor, the Trustee, and others regarding a rationalization of the hearing schedule. (See **Exhibit A**, email between Sabrina Streusand and Michael Bowen dated October 17, 2019, a true and correct copy of which is attached hereto and incorporated herein). Michael Bowen of the Kasowitz firm initially stated he would confer and revert back to us "asap" regarding the proposal. Instead of replying, and without consultation, the Debtor filed her motion to continue everything, and later the Kasowitz firm filed its Motion for Continuance of Sagi Genger's Expedited Motion to Show Cause.

5. The Debtor's proposal would be the worst of all possible worlds. As set forth more fully in Sagi's Motion to Dismiss, this is a bad faith bankruptcy filing designed solely to stop a fraudulent conveyance motion that was on the cusp of being resolved by the U.S. District

Court for the Southern District of New York. That motion—which was premised on factual findings already adjudicated in that Court and twice affirmed by the U.S. Court of Appeals for the Second Circuit—would have restored upwards of \$40 million to the Debtor’s estate, paid off all the estate’s creditors, and left everyone (other than the Debtor and the beneficiaries of her fraudulent transfers) better off. We believe it makes eminent sense for this Court to hear the Motion to Dismiss first, as it may well obviate the need for the Court to hear anything else.

## **II. PRAYER**

WHEREFORE, Sagi respectfully requests that the hearings remain on the Court’s docket as currently scheduled, and grant such other and further relief as this Court may deem just and proper.

Dated: October 18, 2019

Respectfully submitted,

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**COUNSEL TO JUDGMENT CREDITOR  
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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 18, 2019, a true and correct copy of the above referenced document was served via ECF filing and/or regular U.S. mail on the following parties:

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